

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

United States of America,

v.

Case No. 1:19-cr-449-MLB

McLane Haddocks, III,

Defendant.

_____/

ORDER


Magistrate Judge Russell G. Vineyard says Defendant McLane Haddocks' section 2255 petition to vacate, correct, or set aside his sentence should be dismissed as time barred. (Dkt. 78.) Defendant filed no objections.

"It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). But many district courts still do conduct a limited review of unobjected-to portions of an R&R, typically for clear error. See Fed. R. Civ. P. 72(b) advisory committee's note (1983 Addition) ("When no timely objection is filed, the

court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). Even assuming review is necessary here, the Court sees no clear error in the Magistrate Judge’s conclusions. Defendant’s section 2255 petition is subject to a one-year statute of limitations, Defendant did not file within that time, and Defendant has identified no basis for extended that period. (Dkt. 78 at 3-4.) His claim is also barred for the reasons set forth in footnote 2 of the Report and Recommendation. (*Id.* at 2-3.) Finally, the decision to dismiss Defendant’s petition is not debatable by jurists of reason.

The Court **ADOPTS** the Magistrate Judge’s Report and Recommendation (Dkt. 78), **GRANTS** the United States’s motion to dismiss (Dkt. 77), and **DENIES** a certificate of appealability.

SO ORDERED this 5th day of December, 2022.



MICHAEL L. BROWN
UNITED STATES DISTRICT JUDGE